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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DAVID GOLDSTINE,

11 Plaintiff,

12 v.

13 FEDEX FREIGHT, INC. et al.,

14 Defendant.
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CASE NO. C18-1164 MJP

MINUTE ORDER

16 The following minute order is made by the direction of the court, the Honorable Marsha
17 J. Pechman, United States District Judge:

18 In order to provide guidance to the Parties for the preparation of their case for trial, the
19 Court makes the following summary ruling. A written opinion will follow by October 25, 2019.

20 Plaintiff's Motion for Partial Summary Judgment (Dkt. No. 56) is GRANTED in part and
21 DENIED in part as follows:

22 The affirmative defenses, numbers one through six, have been withdrawn. These
23 include: Failure to state a claim, Statute of limitations/contractual limitations period, Failure to
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1 exhaust administrative remedies; Outside the scope of administrative charge; Lack of
2 jurisdiction; Insufficient and/or untimely filing of charge with WA State Human Rights
3 Commission.

4 Plaintiff's Motion is GRANTED as to affirmative defense numbers seven through 10 and
5 number 13. The following affirmative defenses are therefore stricken: Defendant's adoption of
6 anti-discrimination and anti-retaliation policies and good faith efforts; Lack of malice or reckless
7 indifference; No right to punitive damages; Violation of Defendant's right to procedural due
8 process, right to protection from "excessive fines," and substantive due process; Reservation of
9 rights.

10 Plaintiff's Motion is DENIED as to affirmative defenses numbers 11 and 12: Failure to
11 mitigate and failure to participate in the interactive process.

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13 The clerk is ordered to provide copies of this order to all counsel.

14 Filed October 8, 2019.

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16 William M. McCool
Clerk of Court

17 s/Rhonda Miller
18 Deputy Clerk
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